

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: AUGUST 16, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-13847 - APPLICANT/OWNER: RAGHID KOSA**

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**\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Package Liquor Off-Sale use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. The required trash enclosure shall meet Title 19 standards.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request for a Special Use Permit for a Package Liquor Off-Sale Establishment on 0.63 acres at 1600 North Jones Boulevard.

**EXECUTIVE SUMMARY**

The subject proposal meets all Title 19 standards for Package Liquor Off-Sale uses. Parking is more than adequate and the use is compatible with the surrounding area. Staff recommends approval.

**BACKGROUND INFORMATION**

***A) Related Actions***

- |          |  |
|----------|--|
| 07/03/85 | The City Council approved a Rezoning (Z-0092-84) from R-1 (Single Family Residential) to C-1 (Limited Commercial) for the subject property. The Planning Commission recommended approval.  |
| 05/10/99 | The City Council approved a Special Use Permit (U-0024-99) for the off-premise sale of beer and wine in conjunction with a proposed convenience store. The Planning Commission recommended approval and the staff recommended denial.  |
| 07/05/00 | The City Council approved a Required One Year Review [U-0024-99(1)] on an approved Special Use Permit which allowed off-premise beer and wine sales in conjunction with a proposed convenience store. The Planning Commission recommended approval and the staff recommended denial.             |
| 10/16/02 | The City Council approved a Required One Year Review [(U-0024-99(2))] on an approved Special Use Permit which allowed off-premise beer and wine sales in conjunction with a proposed convenience store. The Planning Commission recommended approval and the staff recommended denial.           |
| 01/18/06 | The City Council approved a Special Use Permit (SUP-9616) for a proposed Financial Institution, Specified and for waivers from the 200-foot distance separation requirement from a residential use and from the 1,000-foot separation requirement from another Financial Institution, Specified. |

07/13/06      The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #65/stf).

***B) Pre-Application Meeting***

05/09/06      A pre-application meeting with the applicant was held and the following items were discussed:

- Staff informed the applicant of the submittal requirements for a Package Liquor Off-Sale Establishment Special Use Permit.

***C) Neighborhood Meetings***

A neighborhood meeting is not required as part of this application request, nor was one held.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres:            0.63

***B) Existing Land Use***

Subject Property: Commercial  
North:                Multi-Family Residential  
South:                Commercial  
East:                  Single Family Residential; Multi-Family Residential  
West:                  Pharmacy

***C) Planned Land Use***

Subject Property: SC (Service Commercial)  
North:                ML (Medium Low Density Residential)  
South:                SC (Service Commercial)  
East:                  L (Low Density Residential); ML (Medium Low Density Residential)  
West:                  SC (Service Commercial)

***D) Existing Zoning***

Subject Property: C-1 (Limited Commercial)  
North:                R-PD10 (Residential Planned Development – 10 Units per Acre)  
South:                C-1 (Limited Commercial)  
East:                  R-1 (Single Family Residential); R-PD10 (Residential Planned Development – 10 Units per Acre)  
West:                  C-1 (Limited Commercial)

**E) General Plan Compliance**

The subject property has a land use designation of SC (Service Commercial). This designation allows for a variety of commercial uses designed primarily for local area patrons. The underlying zoning of C-1 (Limited Commercial) complies with this designation.

<b><i>SPECIAL DISTRICTS/ZONES</i></b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>		<b>X</b>
<b>Special Overlay District</b>	<b>X</b>	
Airport Overlay District	<b>X</b>	
<b>Trails</b>		<b>X</b>
<b>Rural Preservation Overlay District</b>		<b>X</b>
<b>County/North Las Vegas/HOA Notification</b>		<b>X</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

Airport Overlay District

The subject proposal is located in the North Las Vegas Airport Overlay District which restricts the height of buildings to 140 feet. The existing structure is well under this maximum height allowed.

**ANALYSIS**

**A) Zoning Code Compliance**

**A1) Parking and Traffic Standards**

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

<b>Uses</b>	<b>GFA</b>	<b>Ratio</b>	<b>Required</b>		<b>Provided</b>	
			<b>Parking</b>		<b>Parking</b>	
			<b>Regular</b>	<b>Handicap</b>	<b>Regular</b>	<b>Handicap</b>
Retail	3,650 SF.	1 Space / 250 SF GFA	15	1	30	2
<b>TOTAL</b>			<b>15</b> (including handicap)		<b>30</b> (including handicap)	

The subject proposal contains more than adequate parking for the existing and proposed use.

Pursuant to Title 19.08, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Trash Enclosure	Gated, Roofed, and Constructed of a similar material to the main structure	Elevations not provided

A trash enclosure is shown on the site plan adjacent to the north side of the building. A condition has been added to insure that it complies with Title 19 standards.

***B) General Analysis and Discussion***

- Zoning

Package Liquor, Off-Sale Establishments are allowed in a C-1 (Limited Commercial) zone with approval of a Special Use Permit. To the west and southwest there are other liquor uses and a tavern located south of the property recently closed.

- Use

The proposed use is appropriate for the area and will be located in an existing convenience store. There are no protected uses with then required separation distance.

- Conditions

1. Except as otherwise provided in this Chapter, no liquor establishment (on-sale/off-sale/on-off-sale) use (hereinafter “liquor establishment”) shall be located within four hundred feet of any church, synagogue, school, childcare facility licensed for more than twelve children, or City park.
2. Except as otherwise provided in Subsection (3) below, the distances referred to in Subsection 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed liquor establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term “property line” refers to property lines of fee interest parcels and does not include the property line of:

- a. Any leasehold parcel; or
  - b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Subsection 1.
- 3. In the case of a liquor establishment proposed to be located on a parcel of at least eighty acres in size, the minimum distances referred to in Paragraph 1 shall be measured in a straight line:
  - a. From the nearest property line of the existing use to the nearest portion of the structure in which the liquor establishment will be located, without regard to intervening obstacles; or
  - b. In the case of a proposed liquor establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the liquor establishment will be located, without regard to intervening obstacles.
- 4. The minimum distance requirements in Subsection (1) do not apply to:
  - a. An establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or
  - b. A proposed retail establishment having more than 50,000 square feet or retail floor space.
- \*5. All businesses, which sell alcoholic beverages, shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

## FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

As there are other liquor uses in the immediate area, the subject proposal will be harmonious and compatible with existing surrounding land uses and with future uses as projected by the General Plan.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

Adding package liquor off-sale to the existing use will not greatly affect the intensity of uses on the site. Furthermore, there is adequate parking on the site to accommodate the proposed use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site is served by Vegas Drive (an 80-foot secondary collector) and North Jones Boulevard (an 80-foot secondary collector). These thoroughfares can accommodate the proposed package liquor off-sale use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of this request will not compromise the public health, safety or welfare of the general public and will not jeopardize the overall objectives of the General Plan.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 6

**SENATE DISTRICT** 3

**NOTICES MAILED** 841 by City Clerk

**APPROVALS** 0

**PROTESTS** 1